

1 In accordance with Federal Rule of Civil Procedure 41(a)(1), Defendant has neither filed an
2 answer to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal under Federal Rule
3 of Civil Procedure 41(a)(1) is therefore appropriate.
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6 Respectfully Submitted,
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8 **DATED: January 28, 2013**

9 By: /s/ Brett L. Gibbs, Esq.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 28, 2013, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system.

/s/ Brett L. Gibbs
Brett L. Gibbs, Esq.